REMARKS

Claims 1, 3-4, 6-13, 15-16 and 18-24 are pending in the application and all stand rejected.

Claims 1, 13, and 24 are amended.

Reconsideration and allowance of all pending claims is respectfully requested in view of the following:

Responses to Rejections to Claims – 35 U.S.C. §102

Claims 1, 3-4, 6-11, 13, 15-16 and 18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Massie et al (U.S. Patent No. 6,144,114) (Massie hereinafter). This rejection is not applicable to the amended claims.

The USPTO provides MPEP §2131 that: "To anticipate a claim, the reference must teach every element of the claim."

Therefore, to support these rejections with respect to claim 1, Massie must contain all of the above-claimed elements. However, this patent does not disclose "a system board including a processor; a first battery for supplying power to the system board; a second battery for supplying power to the system board; and a switching circuit coupled to the first battery, the second battery and the system board, for repeatedly switching between the first battery and the second battery for supplying power to the system board, the switching circuit receiving only one input from the first battery and only one input from the second battery, each battery supplying a peak amount of current for periods of time during which the switching circuit has connected one of the batteries for supplying current while, simultaneously, the other of the batteries supplies no current whereby, in the aggregate, the batteries maintain a continuous supply of peak current to the system; a first diode coupled in series with the first battery, the switching circuit, and the system board, wherein the first diode is located between the switching circuit and the system board, and wherein the first diode prevents reverse flow current from the second battery to the first battery while the second battery is supplying power to the system board; a second diode coupled in series with the second battery, the switching circuit, and the system board, wherein the second diode is located between the switching circuit and the system board, and wherein the second diode prevents reverse flow current from the first battery to the second battery while the first battery is supplying power to the system board; wherein at no time during operation are both the first and second batteries connected for supplying current; wherein the switching circuit connects the first battery to supply power to the system board during first periods of time

alternating with second periods of time during which the switching circuit connects the second battery to supply power to the system board; and wherein the first time periods are equal in duration to the second time periods," as recited in pending claim 1 and defined throughout the specification and figures of the pending application.

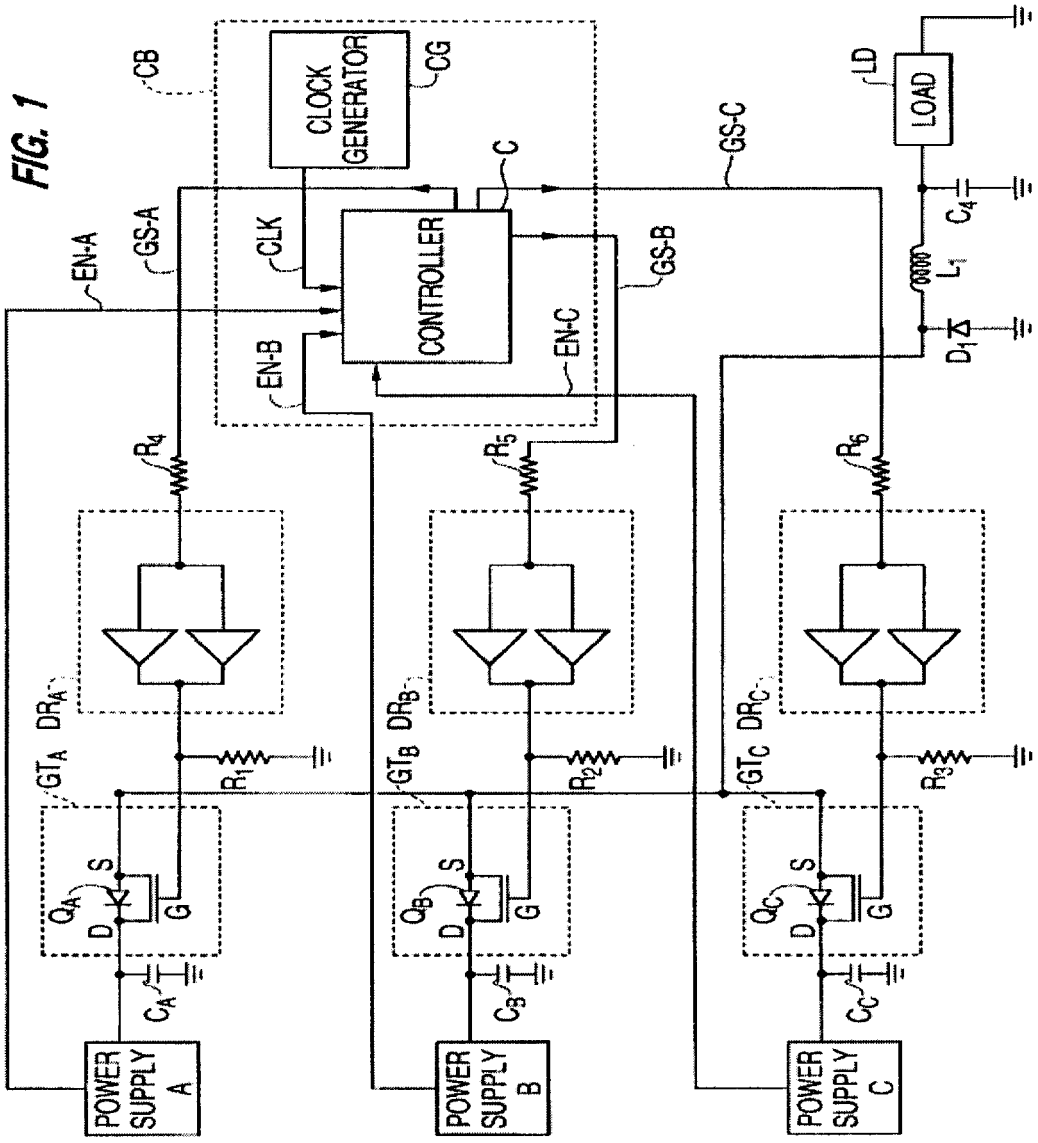


Figure 1, Massie et al, U.S. Patent No. 6,144,115.

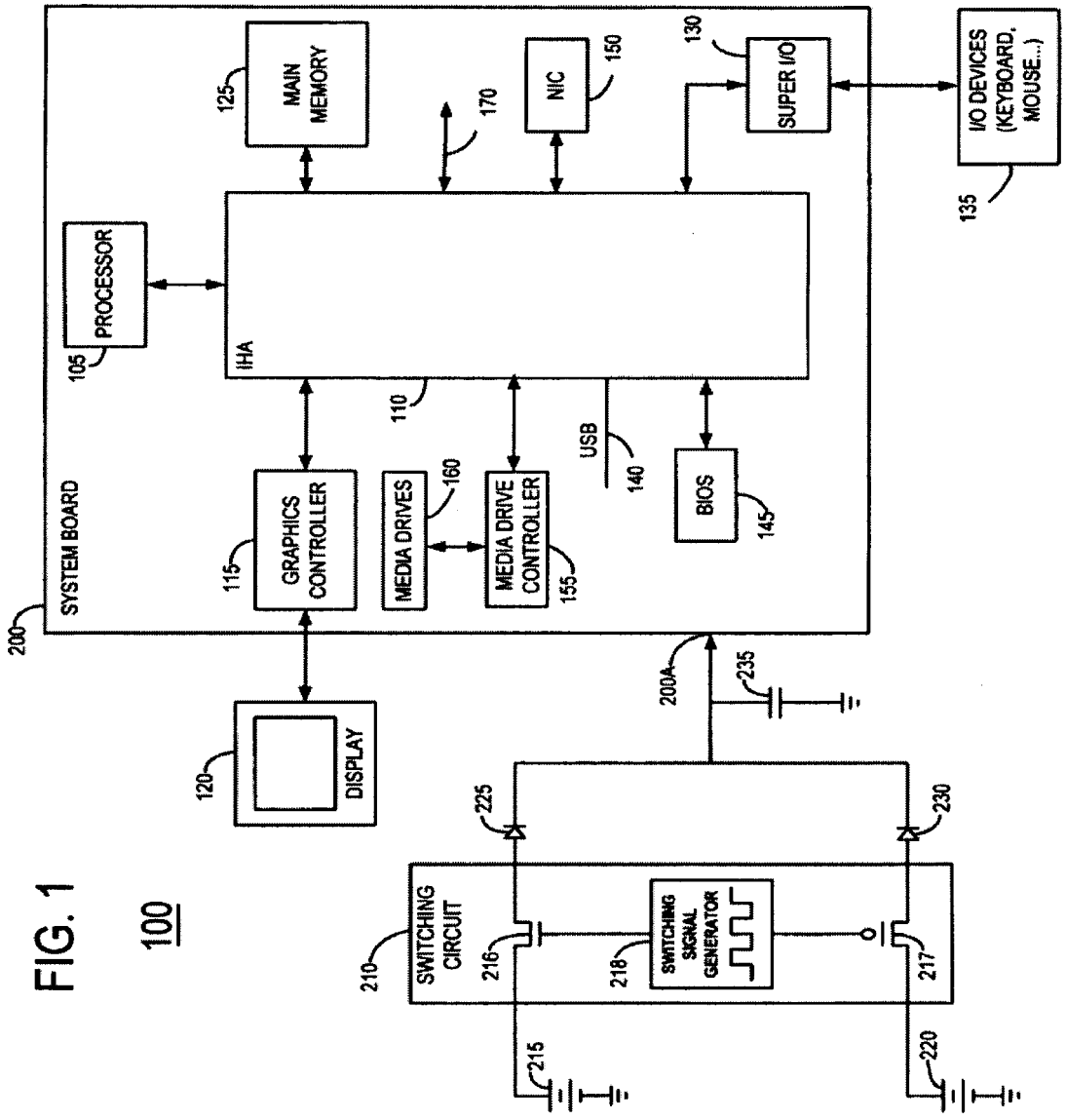


FIG. 1 100

Figure 1, current Patent Application Number 10/759,639, filed January 16, 2004.

As shown in Figure 1 and described in column 2, line 64 – column 4, line 45, of Massie, the controller circuit (e.g., controller block CB (including controller C & clock generator CG), the drivers (including DR_A, DR_B & DR_C), and the gates (including GT_A, GT_B & GT_C)) receive **TWO INPUTS** from each of the power supplies (including power supply A, power supply B & power supply C). The gates, GT_A, GT_B & GT_C, each receive a power input from its respective power supply at the drain terminal D of the gate AND the controller C receives an enable input (EN-A, EN-B & EN-C) from each of the power supplies. Therefore, the controller circuit of Massie

receives two signals (the power input at D and the enable signal at the controller C, from each of the power supplies. Conversely, pending claim one recites, in part, that the switching circuit receives only one input from the first battery and only one input from the second battery. As such, it is submitted that claim 1 is not disclosed, taught or suggested by Massie.

It is further submitted that claim one would not be obvious to one having ordinary skill in the art in view of Massie because the extra signals from the power supplies (e.g., the enable signals, EN-A, EN-B and EN-C) of Massie provide "information within each such signal EN-A, EN-B and EN-C being indicative of whether or not each respective power supply is 'enabled' (i.e., installed and operating properly)." Column 4, lines 18-21. On the other hand, as shown in Fig. 1 of the pending application, no such enable signal is required from the batteries 215 and 220 to the switching circuit 210.

As a result, every element of claim 1 is NOT found in Massie as described in pending claim 1 and defined throughout the specification and figures of the pending application. Therefore, the rejection based on 35 U.S.C. 102(b) cannot be supported by Massie as applied to claim 1. Thus, this rejection is defective and should be withdrawn.

Independent claims 13 and 24 relate to methods reciting elements similar to independent claim 1. As discussed above, it is submitted that Massie DOES NOT disclose, teach, or suggest the elements of claim 1. Similarly, it is submitted that the reference DOES NOT disclose , teach, or suggest the elements of independent claims 13 and 24. Therefore, the rejection of these claims are also defective and should be withdrawn.

Dependent claims 3-4, 6-11, 15-16 and 18-23 depend directly or indirectly from one of independent claims 1 or 13 and are allowable as depending from an allowable independent claim. Thus, withdrawal of the rejections of these claims is respectfully requested.

Responses to Rejections to Claims – 35 U.S.C. §103

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massie. This rejection is not applicable to the amended claims.

As discussed above, with reference to the 35 U.S.C 102 rejection, Massie fails to disclose, teach or suggest all of the elements of independent claim 1 as described in pending claim 1 and defined throughout the specification and figures of the pending application. Claim 12 depends from independent claim 1. Therefore, it is submitted that it is allowable as depending from an allowable claim. As such, the rejection based on 35 U.S.C. 103(a) cannot be supported by Massie. Thus, this rejection is defective and should be withdrawn.

In view of all of the above, the allowance of all pending claims is respectfully requested.

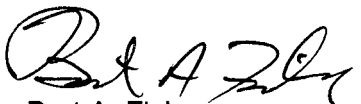
The amended claims are supported by the original application, at least in Fig. 1 of the pending application.

The Office Action contains characterizations of the claims and the related art to which the Applicant does not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Claims 1, 13, and 24 are amended herein in order to expeditiously advance prosecution of this application. The amendments do not necessarily provide an indication that Applicants agree with any conclusions set forth in the Office Action regarding patentability of the claims including that a prima facie rejection is established by the references.

The Examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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